UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/517,731	CHAPEL ET AL.
	Examiner	Art Unit
	JEFFREY M. RUTKOWSKI	2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 January 2009</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 4-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 4-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 2-3 and 11 have been cancelled.

Claim Rejections - 35 USC § 112

1.   **Claims 1, 4-8 and 10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2.   For **claims 1 and 4-8,** it is unclear what is meant by a single (at least one) port for connecting peripherals. Logically a device with multiple ports is needed to connect multiple peripherals.

3.   It is unclear what is meant by establishing connections between a LAN and a multiple transport stream. Since the multiple transport stream is provided by at least one external device, it seems the connection is established between the LAN and the external data source(s).

4.   For **claim 10**, it is not clear if the external data source on line 10 is part of the external data sources on line 4 of the claim.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1, 5, 7 and 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes et al. (US Pat 6,647,015), hereinafter referred to as Malkemes, in view of Movshovich

et al. (US Pat 6,434,170), hereinafter referred to as Movshovich, and Coupe et al. (US Pg Pub

2002/0067718), hereinafter referred to as Coupe.

4.   For **claims 1 and 10**, Malkemes teaches a gateway **104** (communications device) that has

connections to external satellite, Plain Old Telephone Service (POTS) and cable television

sources **[figure 1]**. Figure 1 also shows a radio network (local area network) is used to facilitate

communications between internal peripheral devices (i.e. personal computer, television) to the

gateway **104** via radio network. Malkemes' invention uses a radio section **238** and gateway logic

240 [figure 2] (plurality of means for establishing connections) to deliver requested television

programming and data services to the peripheral devices **[col. 3 lines 24-38]**. Figure 2 of

Malkemes shows an input that has a radio section **238** connected to demodulators **204** for

receiving information.

5.   Figure 2 of Malkemes shows a tuner modules **202** transmit received information to a

demodulator **204** (an input for receiving). Malkemes discloses a gateway that is used to deliver

multimedia services **[col. 3 table 1]**. Malkemes does not disclose the use of MPEG-2 reception.

According to Movshovich, it is conventional for MPEG-2 to provide for two types of transport

streams, namely single multiple transport streams and multi-program transport streams **[col. 2**

line 60 to col. 3 line 2]. It would have been obvious to a person of ordinary skill in the art at the

time of the invention to receive a multiple transport stream at an input in Malkemes' invention to

make use of the MPEG-2 standard.

6.   Malkemes does not disclose a means for controlling incoming information. Movshovich

discloses a demultiplexer **200** (means for controlling) that uses a Packet IDentifier (PID) to

control the flow of information into a network **[col. 3 lines 36-46, figure 2]**. It would have been

obvious to a person of ordinary skill in the art at the time of the invention to use Movshovich's

demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in

the network **[Movshovich, abstract]**.

7.   The combination of Malkemes and Movshovich disclose a demultiplexer **200** that

contains a PID match unit **314**. The combination of Malkemes and Movshovich does not

disclose the use of a means for filtering. Coupe discloses a PID filter **14** (means for filtering)

that is used in the creation of a partial transport data stream **[0030]**. The PID filter **14** removes

unwanted packets from an incoming data stream, leaving gaps in the partial transport stream

[0027, 0030]. Since the partial transport stream has gaps, Coupe suggests the packets of the

partial stream occupy the same temporal location as corresponding packets in the multiple

transport stream. It would have been obvious to a person of ordinary skill in the art at the time of

the invention to use Coupe's PID filter in Malkemes' invention to remultiplex a filtered content

stream with new data in real-time **[Coupe, title]**.

8.   For **claim 5**, Malkemes does not disclose the removal of packets from a MPTS.

Movshovich discloses only packets that have a matching PID (packets that were requested) are

forwarded by the PID match unit **314**, allowing a Single Program Transport Stream (SPTS) be

formed from the Multi-Program Transport Stream (MPTS) **[col. 6 lines 40-45, col. 7 lines 26-47,

figure 3]**. It would have been obvious to a person of ordinary skill in the art at the time of the

invention to use Movshovich's demultiplexer in Malkemes' invention to enhance the distribution

of multimedia information in the network **[Movshovich, abstract]**.

9.   For **claim 7**, Malkemes does not disclose the use of the IEEE-1394 standard.

Movshovich's demultiplexer supports peripheral devices that are compliant with the IEEE1394

standard [**col. 6 lines 15-23, figure 2**]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in the network [**Movshovich, abstract**].

10.   **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes in view of Movshovich and Coupe, as applied to **claim 1** above, and further in view of Kubota et al. (US Pat 6,353,613), hereinafter known as Kubota.

11.   The combination of Malkemes, Movshovich and Coupe does not teach a means for updating or a means for inserting. Kubota teaches the means for updating signalization tables by disclosing a controller unit **25** generates additional Program Specific Information (PSI) and Service Information (SI) on respective programs based upon packet identifier (PID). The controller **25** then generates a Program Map Table showing the PID values of the audio and video data [**col. 7 lines 17-34**] (means for updating signalization tables comprised in the incoming data). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Kubota's PMT table in Malkemes' invention to list all the PIDs for packets containing elements of a particular program.

12.   Kubota also teaches the means for inserting modified signalization table limitation absent from the teachings of Horie by disclosing the controller **25** also packets and outputs the generated PMT table [**col. 7 lines 17-34**] (means for inserting the modified signalization tables in the stream sent to the local area network). It would have been obvious to a person of ordinary skill in the art at the time of the invention to packet and transmit the PMT table according to Kubota to allow other devices to locate the respective video and audio information.

13.   **Claims 6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Malkemes in view of Movshovich and Coupe, as applied to **claim 1** above, and further in view

of Hoffberg (US Pat 6,850,252).

14.   For **claim 6**, the combination of Malkemes, Movshovich and Coupe does not teach a

means to guarantee copy protection. Hoffberg teaches an intelligent electronic appliance

[abstract] that can be used to aid in copy protection, serial copy management and a pay-per-

view royalty collection system **[col. 160 lines 8-11]**. The copy protection is provided via anti-

copy encryption **[col. 170 lines 20-30]** (wherein it has means to guarantee a copy protection of

the data coming from the external source). It would have been obvious to a person of ordinary

skill in the art at the time of the invention to use an intelligent device with copy protection

functionality in Malkemes' invention to keep users from pirating copyrighted materials.

15.   For **claim 8**, Malkemes does not disclose the use of Digital Video Broadcasting (DVB).

Movshovich's demultiplexer is used in DVB applications **[col. 6 lines 60-64]**. It would have

been obvious to a person of ordinary skill in the art at the time of the invention to use

Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia

information in the network **[Movshovich, abstract]**.

16.   **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes in view

of Movshovich, Coupe and Karol et al. (US Pat 6,628,617), hereinafter known as Karol.

17.   For **claim 9**, Malkemes teaches a gateway **104** (communications device) that has

connections to satellite, Plain Old Telephone Service (POTS) and cable television data external

data sources **[figure 1]**. Figure 1 also shows a radio network (local area network) is used to

facilitate communications between internal peripheral devices (i.e. personal computer, television)

to the gateway **104** via radio network. Malkemes' system also uses a gateway to connect and
internal network to an external network.

18.   The combination of Malkemes and Movshovich discloses a gateway module that
performs the functions as disclosed in **claim 1**. It would have been obvious to a person of
ordinary skill in the art at the time of the invention to use Movshovich's demultiplexer in
Malkemes' invention to enhance the distribution of multimedia information in the network
[Movshovich, abstract].

19.   Malkemes' gateway module is a standalone device. Malkemes does not teach a gateway
module that is distributed amongst certain peripherals of a network. Karol teaches that gateway
functionality could be implemented as a software module by endpoints **[col. 17 line 36]** (being
distributed among some peripherals, called gateway modules). It would have been obvious to a
person of ordinary skill in the art at the time of the invention use software gateway modules in
Malkemes' invention to allow for the extension of a software to system.

20.   The combination of Malkemes and Karol teaches the endpoints include regular Personal
Computers (PC) running a commercially available operating system **[Karol, col. 17 lines 37-42]**
(means for managing). The combination of Malkemes and Karol also teach Connection Oriented
(CO) capabilities are implemented by the operating system running RSVP hooks. The
applications running in the PC will assume the connectionless (CL) mode of operation **[Karol,
col. 17 lines 40-42]**.

21.   The combination of Malkemes, Movshovich and Coupe disclose a communication device
in accordance with **claim 1**.

Response to Arguments

22.   Applicant's arguments with respect to **claims 1 and 4-10** have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is

(571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizou can be reached at (571) 272-3088. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey M Rutkowski
Patent Examiner
04/02/2009

/Hassan Kizou/

Supervisory Patent Examiner, Art Unit 2419